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ABSTRACT

There is no longer a question of whether something should be done about the impact of televised violence on children; the questions before us are what should be done, and by whom. Thus, the Federal Communications Commission (FCC) is engaged in an intensive self-education effort to study the economics of the television industry, and the legal and Constitutional implications of possible rule makings. Further, the FCC plans public panel discussions and oral argument before the Commission which will address every facet of our broadcasting system, especially its capability for serving young viewers. The FCC believes that the response of the broadcasting industry to the Surgeon General's report should be immediate, and should include the reduction of all gratuitous violence in children's programming and the creation of new and diversified programming designed to open the eyes and expand the minds of children. At least on paper, the Television Code of the National Association of Broadcasters makes many relevant points. To implement the need for new programming, cooperation and consultation among the networks, broadcasters, and advertisers will be required. Although the FCC cannot make fundamental programming judgments, we can help to create a climate for the responsible, cooperative effort that is clearly called for. (SH)

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Statement Of
DEAN BURCH, CHAIRMAN
Federal Communications Commission

Before the
SENATE SUBCOMMITTE ON COMMUNICATIONS

March 22, 1972

U.S. DEPARTMENT OF HEALTH, EDUCATION & WELFARE
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Mr. Chairman and Members of the Committee: I believe we all would agree that a national consensus is building as to the profound importance of the subject matter of these hearings. Your own leadership, Mr. Chairman, has been a catalyst, and I would like to think that the Commission has made a contribution as well. In a very real sense, the level of discourse has been raised a significant notch -- so that it is no longer a question of whether something should be done about television's impact on children, and about the impact of televised violence in particular. The questions before us are what should be done, and by whom.

But at this point the consensus begins to run thin. And it is not surprising that it should. The very gravity of the subject precludes the quick or easy solution. We are dealing with nothing less than the development of personality and behavior traits, and we simply cannot afford cosmetics on the one hand or overkill on the other. All the more so, because it is easier to say what is not involved than it is to run down the list of what clearly is -- which would include (for starters) the scope of the First Amendment, the perils of prior censorship, the by-products of poverty, and the entire life-style of a free and pluralistic society.

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I hasten to say, Mr. Chairman, that I'm not reciting a list of horribles as a way of "copping out." The Commission has no desire to evade its responsiblities, and no intention of doing so. But what I do want to stress, even as we focus on television's tremendous impact (for good and evil), is that the medium does not exist in isolation. It is an aspect of the total environment.

For the better part of three years, we have all been anticipating the publication of the Surgeon General's report on "The Impact of Televised Violence." And that, of course, is our focal point today. I certainly intend it as no indictment of the report to observe, at the outset, that it does not come equipped with pushbutton problem-solvers. It tells us much that we want to know but not nearly everything that we need to know. Its conclusions are hedged as, I would suppose, the findings of a limited scientific investigation must be hedged -- and least of all, from the Commission's perspective, does it tell us unequivocally what our response should be.

Thus, we at the FCC are engaged in an intensive self-education effort. Dr. Steinfeld has already met with us for one backgrounder, and we have his standing offer to put at our disposal the expertise of the National Institute of Mental Health for additional guidance. Our Children's Unit has already begun to take him up on that offer. We regard these hearings as the next essential step. That is why I sat in on yesterday's

session, and why we will study the full record developed here with the greatest interest. Commission staff has been engaged for months on analysis of the economics of the television industry. They are also studying the legal and Constitutional implications of possible rule makings. And, as you know, we have received voluminous comments in two proceedings that bear closely on the concerns before us today.

For my own part, I have held informal meetings in recent days with executives of the three national networks -- partly to pick their brains and partly, to be perfectly candid, as a continuation of my effort to keep their feet to the fire. (Among other things, and whatever our ultimate decisions as to appropriate FCC actions might be, I want them to know that we're looking over <u>their</u> shoulders with intense interest.)

The next major step we plan -- and it's still self-education that I'm talking about -- will be public panel discussions and oral argument before the Commission, hopefully no later than mid-May. This is a technique, as you know, that we tried out with great profit during our cable television proceeding, that we have scheduled as the culmination of our fairness inquiry (for the week beginning March 27), and that has the particular benefit of pitting adversary points of view head-to-head in open debate. The panels we contemplate in the children's television area will range well beyond the issue of violence <u>per se</u>. They will address every

facet of our broadcasting system, commercial and noncommercial, in its capability for serving young viewers. In the process, we will open ourselves to the advice of every possible expertise: broadcasters, program creators, advertisers, lawyers, economists, sociologists, social psychologists, and not least, representatives of the public (which we also believe to be our function in life).

In the next few weeks, Mr. Chairman, I would hope to send you our prospective multi-day or even multi-week format for exhaustive panel discussions. In effect, we will be articulating what we conceive to be the fundamental problems; thus I cannot come before you today with the answers, either tentative or definitive, as to the governmental actions that might be called for.

I stress "governmental" because of the complexity and, indeed, the perils of such action. But this is not to say that no action is presently called for. We very definitely believe that the response of the broadcasting industry to the Surgeon General's report should be immediate and decisive -- and that it should procede along two parallel but distinct tracks:

FIRST: the reduction to near-zero of all gratuitous and needless violence in the programming that is specifically directed to children or that children tend to watch in large numbers; and

SECOND: the creation of substantial amounts of new and diversified programming, not just the usual diet of cartoons, designed to open the eyes and expand the minds of young viewers.

I'll not go over the ground that was covered so thoroughly here yesterday -- except to note again that the committee's report is perhaps necessarily ambivalent in its findings. It concluded that televised violence can and, under certain circumstances, does "instigate an increase in aggressive acts" by children -- but that the effect is neither uniform nor measurably present among a majority. Quoting from the report:

> The evidence does indicate that televised violence may lead to increased aggressive behavior in certain subgroups of children, who might constitute a small portion or a substantial portion of the total population of young television viewers. We cannot estimate the size of the fraction, however, since the available evidence does not come from cross-section samples of the entire American population of children.

The evidence, let us assume, is inconclusive. But we would contend that it is not necessary for the broadcasting industry to await further studies in order to pin down the "size of the fraction" who might be affected. Numbers aside, we simply do not believe that broadcasters should present children's programming in which violence is used as a deliberate device to grab and hold onto a major share of the audience. They have no right (and I use the word advisedly) to put at risk any number of children in an effort to boost ratings. I'm well aware that the incidence of violent action does in fact tend to push ratings up -- and that, turning the coin, high ratings tend to equal high levels of interest, which is another way of saying that giving kids violence is simply giving them what they want. By the same token, though, and left simply to their own desires, lots of kids would be happy to subsist on a diet of soft drinks and candy. The key phrase, of

course, is "left simply to their own desires" — and this, in my view, is the moral equivalent of complete adult irresponsibility.

I am also aware that children's cartoons rank high on any violence-scale, and that the use of frenzied action and violence in its many forms is a relatively easy way to capture the attention of an audience that may range from age 3 on up to 12 or more. But it is no answer to say that the total potential audience on Saturday and Sunday mornings is relatively small; that the broadcaster must deliver as large a share of that audience as possible to the advertiser; and that action-adventure programming (all too often a synonym for lots of violence) is the cheap and easy way to attract such an audience. That may be good business. But it has no place in an enterprise founded on the concept of public trust.

We recognize that there has been marked improvement in this area. From 1967 to 1969, as the report shows, violence increased in cartoons and comedies; since then, the trendline has gone down. In the words of one anonymous network executive, there has been greater reliance on "gentler violence." But, even as we recognize and applaud the improvement, we must also note that television programming tends to run in cycles -- and that cycles can turn up as well as down.

Clearly, we are not asking for the total, definitive elimination of violence from children's programming. It is not possible nor would it reflect the complexity of the real world.

And violence takes many forms. There is an ingredient of violence, for example, in a racial epithet; and it is present in the predatory behavior of animals and insects in the world of nature. (One case in point is "The Wonderful World of Disney" where violence is often shown -- but generally in context, and with the accompaniment of lucid explanation. I might also note that this program attracts uniformly large audiences and, in our analysis of 1970 data, returned to the NBC network that year a profit contribution in excess of $4 million.) We are not asking the broadcast industry to screen out all violence, however it may be defined. And we're not asking it to sanitize the world the child sees on the television screen to the point of bland unreality.

But we <u>are</u> suggesting that a new attitude take hold. One aspect would be the elimination of gratuitous risk to whatever fraction of the total population of children, for whatever reasons of cost accounting. Another aspect of such an attitude would be a good faith effort to capitalize on the affirmative capabilities of television to enrich the experience of young viewers. And, to make progress in either direction, there must be a broad consensus within the broadcasting industry (and all allied industries). There is a kind of Gresham's Law operating here. If one network or a group of major independents continues to opt for violent action programming as a cheap and easy way to gain a large children's audience, this will probably erode the effort of others

to reverse the trend -- or at least put them at a severe competitive disadvantage.

Let me offer a specific example, Mr. Chairman. The Neilsen averages for the last quarter of 1971 list NBC's new prestige children's program, Take a Giant Step, at 10:30 to 11:30 Saturday morning. It draws a 12 percent share of the audience. ABC's new program, Curiosity Shop, has a 24 percent share in the 11 to noon time-slot. During that hour-and-a half period, in a virtually unbroken string of cartoons, CBS draws the following audience-shares: Archie's TV Funnies, 47 percent; Sabrina the Teen-Age Witch, 54 percent; and Josie and the Pussy-cats, 47 percent. I think we're forced to ask whether traditional competition and the normal rules of the marketplace can really be left to operate in this area.

Joint consultation is essential -- among the networks, and among broadcasters generally. The NAB is an obvious focal point. The Television Code recognizes, at least on paper, broadcasters' special responsibility toward children (and this is a point to which I'll return in a few minutes). There are several directions the NAB code authority might take to intensify its concern with the television that children watch. For example, added public participation on the code board might expand the dimensions of their efforts; a larger staff, and staff with specific expertise in child development, might also help substantially. Pre-screening of children's programs is another possibility -- particularly in

connection with some sort of rating scheme such as various observers have proposed. Certainly the woods are full of relevant courses of action, well worth study, and the Commission stands ready as always to serve as go-between in an effort to achieve industrywide consensus. From my previous soundings at Justice, I feel confident that there would be no anti-trust obstacles to such an effort.

Up to this point, I have been focusing largely on weekend programming -- on Saturday and Sunday mornings where most of the programs directed specifically to children are scheduled. But even if these programs were upgraded substantially, the broader problem would not be solved. For the fact is that the weekend segment makes up less than 15 percent of the average child's viewing time: most children do most of their viewing in the late afternoon and early evening hours. One of the major problems we have to face, therefore, is the almost complete lack of programs designed for children at the times when they are watching most.

In terms of violence, I will simply reiterate what I've already said: that gratuitous violence, violence as an audience-grabber, must be avoided in view of the number of children watching. And because so much of the programming presented in this time period is syndicated, the problem for the next several years will be more one of scheduling than of production. Many of the more violent cartoon series of the 1960's are now in syndicated rerun on independent stations, and children are avid viewers of the adult syndicated

reruns that comprise a major part of the programming during the late afternoon.

With this as background, I want to quote directly from the Television Code:

> It is not enough that only those programs which are intended for viewing by children shall be suitable for the young and immature. In addition, those programs which might be reasonably expected to hold the attention of children and which are broadcast during times of the day when children may be normally expected to constitute a substantial part of the audience should be presented with due regard for their effect on children.

I think we all would agree that the thought expressed is right on the money. Without prejudice or prejudgment, it is then necessary to ask whether and to what extent this thought is reflected in a typical, daily television schedule.

What we mainly would urge is that children, and parents, should have more and better and more diversified programming available to them -- in sum, more alternatives -- during the late afternoon and early evening hours. Indeed, they should have more alternatives available during weekend hours as well. We're deluged at the Commission with letters bearing on this point. There are apparently a number of parents who are more than willing to supervise what their children watch, and even to watch along with them -- if only there were real choices available.

Here again the language of the Television Code is relevant. The first sentence of the chapter devoted to "responsibility toward children" reads as follows: "The education of children involves giving them a sense of the world at large." The Code

calls on the broadcaster to provide for "experimentation in the development of programs specifically directed to the advancement of community culture and education." Again, I would urge the entire broadcasting fraternity to turn its eye inward.

Candidly, Mr. Chairman, and particularly from the perspective of the crying need for more diverse programming, I am not at all sure that violence per se is the central problem in the relationship between children and television. It is unquestionably of high importance -- no one would argue about that. But even stripped of gratuitous violence, children's programming might still fall far short of its potential. And the television medium might never be thoroughly exploited as an educational vehicle in the largest sense.

To implement the need for new programming, cooperation and consultation again will be required. One or two networks cannot be expected to take the first risky steps in this direction, while their competitors continue to take the low road of stereotype cartoon fare and to play the cost-per-thousand game. That would be suicide, not fair competition. Advertisers, too, must give their wholehearted support to the effort. More than support, they must exercise leadership and leverage. Advertisers cannot demand a good selling vehicle and then assume no responsibility for the quality of the product. They cannot criticize the present situation in children's television and then refuse to put their money in programs with appeal to specific age-groups, or in those that refuse to rely

on violence as the way to build an audience.

Let me stress again that we are not calling simply for bland, inoffensive programming. There is room for almost everything in commercial television -- but there are always the hours after nine or ten in the evening when programs not suitable for children can be shown. More important, programming that truly opens the world to children need never be bland or inoffensive. What <u>is</u> offensive is violence for its own sake (and the sake of ratings) -- or a steady diet of pablum, interspersed with chewing gum.

It is not for the Commission to make these fundamental programming judgments. They are judgments that can only be made by broadcasters, program creators, and advertisers, and all of them together. But it <u>is</u> our mandate under Section 303(g) of the Act "to promote the larger and more effective use of radio in the public interest." We can and, indeed, we must create a climate for the responsible, cooperative effort that clearly is called for. And we intend to do just that -- within the limits of our authority, and on the basis of the best that science can tell us.

Mr. Chairman, I realize that I've only scratched the surface. Now, it will be a privilege to respond to your questions and engage in further discussion.

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